

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

CHARLES YOW, SR.,)	Civ. 04-5089-KES
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
JOHN STEELE, ROBERT FAST)	
HORSE-GREY EAGLE, and CHERYL)	
VALANDRA,)	
)	
Defendants.)	

Plaintiff moves to require Francis Pumpkin Seed, the Coordinator for the Oglala Sioux Tribe Judiciary Committee, to file an affidavit of service of process. Plaintiff states that Pumpkin Seed receives the mail at the Oglala Sioux Tribe and that he attempted to serve copies of the complaint on the defendants which were refused by each defendant. Plaintiff further states that Pumpkin Seed has not prepared an affidavit for his attempted service. Plaintiff asks this court to order Pumpkin Seed to file an affidavit documenting his attempted service of process. Pumpkin Seed is not a party to this action. Plaintiff has not provided to the court any legal authority that authorizes the court to order an individual who is not a party to the action to act.

Local Rule 7.2 states:

There shall be . . . filed with the Clerk with every motion raising a question of law, . . . a brief containing the specific points or propositions of law with the authorities in support thereof on which the moving party will rely, including the Rule on the basis of which the motion is made. . . .

Plaintiff has not complied with the rules. Compliance with the rules is necessary to the proper framing of the factual issues for the court's consideration. Accordingly, it is hereby

ORDERED that the motion to require filing of affidavit of service of process (Docket 4) is denied. It may be resubmitted with a memorandum of authorities.

Dated May 12, 2005.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE